

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JON C. JAMES,

Plaintiff,

v.

RENEE TOWNSLEY, in her individual
and official capacities as clerk
of Washington State Court of
Appeals, Division III,

Defendant.

NO. CV-11-050-EFS

**ORDER DISMISSING COMPLAINT
AND ENTERING JUDGMENT**

On February 23, 2011, *pro se* Plaintiff Jon C. James, who is proceeding in forma pauperis, filed a Complaint, ECF No. [1](#), asserting violations of his constitutional rights when Defendant Renee Townsley, Clerk of the Washington State Division III Court of Appeals, denied his request to proceed in forma pauperis and then dismissed his appeal for failure to pay a filing fee. ECF No. [5](#). Under 28 U.S.C. § 1915A, the Court is required to screen complaints filed by an individual proceeding in forma pauperis.¹ 28 U.S.C. § 1915A(a). After conducting the required § 1915A(a) screening, the Court, while recognizing Plaintiff's

¹ Although §§ 1915 and 1915A reference "prisoners," they are not limited to prisoner suits. *United States v. Floyd*, 105 F.3d 274, 276 (6th Cir. 1997), *superseded on other grounds by Callihan v. Schenider*, 178 F.3d 800 (6th Cir. 1997). Therefore, a court has an obligation to review a complaint filed by any person proceeding in forma pauperis. *Id.*

1 frustration with the state court proceeding, concludes it must dismiss
2 Plaintiff's lawsuit.

3 The Court lacks subject matter jurisdiction pursuant to the *Rooker-*
4 *Feldman* doctrine because Plaintiff's action is a *de facto* appeal of the
5 Washington State Division III Court of Appeals' denial of his request to
6 proceed in forma pauperis and dismissal of his appeal, and the asserted
7 constitutional claims are inextricably intertwined with that state-court
8 decision. See *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S.
9 280, 284 (2005) (recognizing that *Rooker-Feldman* bars "state-court losers
10 complaining of injuries caused by state-court judgments rendered before
11 the district court proceedings commenced" from asking district courts to
12 review and reject those judgments)); *Noel v. Hall*, 341 F.3d 1148, 1158
13 (9th Cir. 2003). Accordingly, the Court lacks subject-matter
14 jurisdiction over Plaintiff's claim.

15 Furthermore, to the extent that subject-matter jurisdiction is not
16 barred by the *Rooker-Feldman* doctrine, Plaintiff cannot pursue a § 1983
17 action against Defendant because, as Clerk of the Washington State
18 Division III Court of Appeals, she is entitled to quasi-judicial
19 immunity. Judges enjoy civil immunity for their official
20 functions. See *Forrester v. White*, 484 U.S. 219, 229 (1988). And
21 judicial or quasi-judicial immunity extends to non-jurists "who perform
22 functions closely associated with the judicial process," *In re Castillo*,
23 297 F.3d 940, 948 (9th Cir. 2002) (quoting *Cleavinger v. Saxner*, 474 U.S.
24 193, 200 (1985)), including in appropriate circumstances court clerks.
25 See *Moore v. Brewster*, 96 F.3d 1240, 1244 (9th Cir. 1996) (recognizing
26 that clerk of court can be entitled to absolute immunity for quasi-

judicial functions); *Mullis v. U.S. Bank. Court of Nev.*, 828 F.2d 1385, 1390 (9th Cir. 1987) (granting immunity to clerks performing tasks that are an integral part of the judicial process). Because the claims asserted against Defendant are based on the performance of her duties as a clerk (i.e. denying his motion to proceed in forma pauperis and dismissing his appeal for failure to pay the fine), these ultimate acts were judicial in nature and subject to immunity. See *Castillo*, 297 F.3d at 952. Thus, because Plaintiff's Complaint 1) fails for lack of subject-matter jurisdiction, and 2) seeks monetary relief against an immune defendant, the Complaint is dismissed.²

Accordingly, **IT IS HEREBY ORDERED:**

1. The Complaint, ECF No. 1, is **DISMISSED**.
2. All other motions are **DENIED AS MOOT**.
3. Judgment is to be entered **WITHOUT PREJUDICE**.
4. This file shall be **CLOSED**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and provide a copy to Plaintiff and Spokane County Superior Court.

DATED this 10th day of June 2011.

s/Edward F. Shea

EDWARD F. SHEA

United States District Judge

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² Dismissal for lack of subject-matter jurisdiction is without prejudice. *Frigard v. United States*, 862 F.2d 201, 204 (9th Cir. 1988) (per curiam).